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**To:** USCIS FR Comment <USCISFRComment@uscis.dhs.gov>  
**Subject:** OMB Control Number 1615-0020



Celebrating 20 Years of Providing Hope through Immigration Legal Services

May 26, 2016

COMMENTS TO PROPOSED I-485 CHANGES

DHS, USCIS  
Office of Policy and Strategy  
Chief, Regulatory Coordination Division  
20 Massachusetts Avenue, NW  
Washington, DC 20529-2140

Subject: OMB Control Number 1615-0023  
Docket ID USCIS-2009-0020

Dear USCIS Office of Policy and Strategy:

Pursuant to the notice in Federal Register Vol. 81, No. 62, of 03/31/2016, please find attached comments regarding the proposed changes to USCIS form I-485.

Just Neighbors is a 501(c)(3) non-profit which provides immigration legal services to low-income immigrants in the northern Virginia area. We work primarily with immigrants and refugees who qualify for humanitarian immigration benefits. Our clients are poor, usually non-English speakers, sometimes illiterate in their own language, and frequently victims of trauma or violence. We assist scores of applicants each year in completing I-485 Adjustment of Status applications.

While Just Neighbors recognizes that the intent of the proposed changes is to make the I-485 more user friendly and intuitive, in general, the proposed changes will make the completion of the I-485 far more burdensome and difficult, particularly for low-functioning or illiterate clients similar to the population which Just Neighbors serves. The proposed form is unduly burdensome, long, and asks complicated, poorly worded, and at times, irrelevant questions. Many applicants will not be able to complete the form without assistance; thus the low-income immigrant population will be particularly hard-hit if the proposed form is introduced as they will not have the financial capacity to obtain assistance in completing the form and will

be unable to complete the form on their own. While this is surely not the intention of USCIS, it is clear from our 20 years of experience working with low-income immigrants, that vulnerable immigrants who qualify for adjustment of status will be deterred or barred from applying for residency due to the burdensome nature of this proposed form.

Moreover, Just Neighbors finds the following questions inappropriate for the reasons stated below:

## Part 2: “Information about Principal Applicant” and “Information about Derivative Applicant”

These sections are confusing and unnecessary. Form I-485 is used for one applicant individually. While some experienced attorneys may understand what USCIS means by the terms “principal applicant” and “derivative applicant” many attorneys and virtually all aliens will not understand these terms. The result will be that many families, based on this new section, will submit one I-485 per family and list Dad/Mom as “principal applicant” and spouse/children as “derivatives”. While this is not the intention of USCIS, the confusing wording of this section will, in our 20-year experience, entice families to file one I-485 per family. Many refugees and poor aliens are not able to fully comprehend the instructions for the forms or the forms themselves and cannot afford to pay for assistance from competent attorneys. We propose that USCIS do away completely with these two sections. Additionally, Part 2 requests a copy of the I-797 receipt notice or approval notice indicating the basis for adjustment eligibility which would likely satisfy the reporting requirements for this proposed section.

Part 3. Question 1 “Have you ever applied for an immigrant visa at a US embassy/consulate abroad”. Most aliens do not know the difference between “immigrant visa” and “non-immigrant visa” so this question will mislead applicants to put in extraneous visa information which is unnecessary to the adjudication of the petition. Moreover the request for Decision information and date of decision is likely not something an alien will know. Finally, Question 14, 15, and 64 in Part 8 covers visa inadmissibility waivers. We propose that Question 1 in Part 3 be done away in its entirety.

## Part 7. Biographic Information

Many people (particularly Latinos/Hispanics) do not identify with any of the races listed. Just Neighbors encourages USCIS to add an additional box “Other” for those who do not identify with any of the races listed or are of mixed race.

## Part 8. General Eligibility and Inadmissibility Grounds.

Question 16. “Have you EVER worked in the U.S. without authorization?” This is not a grounds of inadmissibility (the question is much broader than that which might be covered under INA 212(a)(5)(A).) This question should be removed.

Question 25. “Have you EVER used any illegal drugs or abused any legal drugs?”. The question is overbroad. The grounds of inadmissibility under INA 212 (a)(1)(A)(iv) state that an alien “who is determined (in accordance with regulations prescribed by the Secretary of Health and Human Services) to be a drug abuser or addict, is inadmissible”. Therefore the part of the

question relating to “any illegal drug” use is overbroad as experimentation is not a grounds of inadmissibility. Moreover, the INA requires that the Civil Surgeon make a determination during the I-693 medical examination to assess whether the applicant is a “drug abuser or drug addict”. Therefore it is not within the purview of an immigration officer when adjudicating the I-485 to ask this question. The question should be removed in its entirety.

Questions 26 – 46: The instructions require the applicant to provide detailed information regarding each arrest, citation, detention, charge; however, in many states, such information is protected from disclosure, particularly for juvenile criminal incidents. The questions and instructions should exempt applicants from providing the details and court/police documents surrounding each arrest, citation, detention and charge when such disclosure is protected or prohibited by law.

Questions 51.a. – 51.f. are perhaps the most provocative and alarming new questions on the proposed form. These questions are overbroad and will lead to denials of I-485s on the basis of guilt by association. These questions are not representative of any grounds of inadmissibility. Even if an alien has a parent/spouse who participated in one of the enumerated activities, they should not be barred from adjusting based on their parent’s actions. We do not live in a police-state. These questions should be removed in their entirety.

Question 53. has always been a confusing question. What does “served in” mean? Questions 26 and 29 ask about detention and punishment. If the question proposes to elicit whether the alien was sentenced to any prison, jail, etc. than question 53 is duplicative. If question 53 is intended to elicit whether the alien worked (paid or unpaid) in one of the facilities, than the words “served in” should be removed.

We thank you for the opportunity to comment on the proposed forms and hope USCIS will take into consideration our comments. Please direct any questions regarding these comments to Dominique Poirier at [dominique@justneighbors.org](mailto:dominique@justneighbors.org).

Sincerely,

Just Neighbors Ministry

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